

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELLEY VOELKER,

Plaintiff,

- against -

DEUTSCHE BANK AG,

Defendant.

11 Civ. 6362 (PAC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>10-17-12</u>

**CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

This Civil Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule 16(f), Fed. R. Civ. P.

1. All Parties (Plaintiff Kelley Voelker and Defendant Deutsche Bank AG, collectively) do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order.
4. Initial disclosures pursuant to Rules 26(a)(1), Fed. R. Civ. P. have been served.
5. All fact and expert discovery shall be completed, in accordance with the guidance of the Court to the Parties, no later than April 1, 2013, 180 days from the date of the Parties' October 2, 2012 conference with the Court.
6. The Parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. In accordance with the guidance of the Court given to the Parties on October 2, 2012, Defendant will by no later than November 12, 2012, produce to Plaintiff: (a) all responsive documents (except privileged documents) yielded by use of the electronic search terms agreed upon by the Parties on May 31, 2012 which date from September 12, 2005 to present; or (b) a complete set of responsive, non-privileged documents yielded by use of the electronic search terms agreed upon by the Parties on May 31, 2012 which date from September 12, 2005 to present. The following interim deadlines may be extended by the written consent of all Parties without application to the Court, provided all discovery is completed by the date set forth in paragraph 5 above:

- a. Initial requests for production of documents have been served by both parties.
- b. Interrogatories have been served by both parties.
- c. Depositions to be completed 150 days from the date of this Order.
- d. Requests to Admit to be served no later than 60 days after the date of this Order.

7. a. All expert discovery shall be completed no later than April 1, 2012.

b. No later than thirty (30) days prior to the date in paragraph 5, i.e. the completion of all fact discovery, the Parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) plaintiff(s)' expert report(s) shall be due before those of defendant(s)' expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).

8. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.

9. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of discovery.

10. a. Counsel for the Parties discussed an exchange of information in aid of an early settlement of this case, but after Defendant provided certain information regarding the compensation of Defendant's employees, the Parties were unable to agree upon the production of additional similar information outside the formal discovery process.

b. Counsel for the Parties also have discussed the use of the following alternate dispute resolution mechanisms for use in this case: (i) a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator.

The Parties participated in a mediation arranged through the District's Mediation Program on February 27, 2012. The mediation was unsuccessful.

c. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

11. The Final Pretrial Submission Date is thirty (30) days following the close of fact and expert discovery (whichever is later, if applicable). By the Final Pretrial Submission Date, the Parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine (for which the promotion conference requirement is waived) shall be filed by the Final Pretrial Submission Date. If this action is to be tried before a jury, proposed voir

dire, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A), Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.

12. Counsel for the Parties have conferred, and their present best estimate of the length of trial is 7-10 days.

*(13)
ESI DUE to be produced by November 1, 2012 OR*

(u)

Civil Case Management Plan Requirement	
Motion to amend or to join additional parties to be filed no later than:	30 days from the date of this Order
Initial Disclosures pursuant to Rule (26(a)(1), Fed.R.Civ.P. to be served no later than:	Initial Disclosures have been served
All fact discovery to be completed no later than:	180 days from Oct. 2, 2012 (i.e., April 1, 2013)
Discovery – Initial requests for production of documents to be served no later than:	Initial requests for production of documents have been served
Discovery- Interrogatories to be served no later than:	Interrogatories have been served
Discovery- Depositions to be completed no later than:	150 days from the date of this Order
Discovery - Requests to admit to be served no later than:	60 days from the date of this Order
All expert discovery to be completed no later than:	180 days from Oct. 2, 2012 (i.e., April 1, 2013)
Parties to meet to confer on schedule for expert disclosures no later than:	30 days prior to the completion of discovery (i.e., March 2, 2013)
All counsel to meet face-to-face to discuss settlement no later than:	14 days from the completion of discovery

Date recommended by counsel for alternate dispute resolution:	N/A - - Parties attended Court-mandated mediation on Feb. 27, 2012
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Dated: October ___, 2012
New York, New York

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TO BE COMPLETED BY THE COURT:

14. The next Case Management is scheduled for Thursday, November 29, 2012 2
3:45 pm in Courtroom 20-C.

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend shall be made in a written application in accordance with paragraph 1(E) of the Court's Individual Practices and shall be made no less than two (2) days prior to the expiration of the date sought to be extended.

SO ORDERED:



The Honorable Paul A. Crotty
United States District Judge

Dated: New York, New York

October 17, 2012